

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOSHUA DOPHEIDE,)

Plaintiff,)

vs.)

Case No.: 2:11-CV-01025-GMN-PAL

ALTA MONTECITO APARTMENTS,)

Defendant.)

ORDER

This lawsuit was originally filed on March 2, 2011 in the Eighth Judicial District Court of Clark County, Nevada. On June 22, 2011, Defendant removed the case to this Court, contending that diversity jurisdiction exists and that Defendant first learned that the case was removable on June 3, 2011. However, the Court finds the removal to be untimely; therefore, this case will be remanded to state court.

Title 18, section 1446(b) of the United States Code provides in relevant part that:

If the case stated by the initial pleading is not removable, a notice of removal may be filed within thirty days after receipt by the defendant, through service or otherwise, of a copy of an amended pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable, except that a case may not be removed on the basis of jurisdiction conferred by section 1332 of this title more than 1 year after commencement of the action.

Defendant appears to be arguing that the first paper from which it could be ascertained that the case was removable was the Alternative Dispute Resolution Commissioner's June 3, 2011 decision granting Plaintiff's request for exemption from Nevada's Mandatory Arbitration Program because, in Defendant's view, that decision demonstrated that the amount in controversy exceeded \$75,000.00. (*See* Statement 3:9-18, ECF No. 6.)

